



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/625,889	07/26/2000	Ted Chongpi Lee	LEE 4	8036

46363 7590 03/14/2006  
PATTERSON & SHERIDAN, LLP/  
LUCENT TECHNOLOGIES, INC  
595 SHREWSBURY AVENUE  
SHREWSBURY, NJ 07702

EXAMINER

SOBUTKA, PHILIP

ART UNIT PAPER NUMBER

2684

DATE MAILED: 03/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/625,889

Applicant(s)

LEE, TED CHONGPI

Examiner

Philip J. Sobutka

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. Claims 1,5,9,11 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Lauer et al. (U.S. Patent No. 6,1 18,936).

Regarding claim 1, Lauer discloses a method for managing adjunct access for a circuit in a network management system. The method comprises providing a manageable link (a linkset) representing each non-managed portion of the circuit (non-IEC nodes), responsive to a determination that a non-managed portion of the circuit exists (See Figures 8b, 8c and 8e; col. 4, lines 33-48; col. 13, line 55 through col. 14, line 9; and col. 14, lines 18-29). Note that Lauer provides a link (linkset) between each non-managed portion of the circuit and a proximate managed portions (IEC nodes) of the circuit. The link may be characterized as a managed carrier link by a network management system (SNMS). See Figures 8b, 8c and 8e; col. 4, lines 33-48. col. 13, line 55 through col. 14, line 9., and col. 14, lines 18-29. Note that, as described in the instant specification on page 5, lines 11-25, it is the non-IEC, or non-managed portion that is considered the “unknown” portion, since it is outside of the control of the IEC, as noted by Lauer on column 14, lines 25-27 at least. Therefore Lauer’s identifying the non-managed or non-IEC portion, identifies the claimed “unknown” portion.

Regarding claim 5, Lauer discloses a method for designing a continuous circuit. The method comprises determining a non-managed portion (non-IEC node) of a circuit exists, and providing a link (linkset) between each non-managed portion of the circuit and a proximate managed portions (IEC nodes) of the circuit. The link may be

Art Unit: 2684

characterized as a managed carrier link by a network management system (SNMS). See Figures 8b, 8c and 8e; col. 4, lines 33-48, col. 13, line 55 through col. 14, line 9, and col. 14, lines 18-29. Note that, as described in the instant specification on page 5, lines 11-25, it is the non-IEC, or non-managed portion that is considered the “unknown” portion, since it is outside of the control of the IEC, as noted by Lauer on column 14, lines 25-27 at least. Therefore Lauer’s identifying the non-managed or non-IEC portion, identifies the claimed “unknown” portion.

Regarding claim 9, Lauer discloses a method comprising assigning links (linksets) bridging non-managed portions (non-IEC nodes) of a circuit path. It is inherent that the circuit path is created after a request to provision a circuit is received, and the circuit path is selected within a network comprising a plurality of network elements (IEC and non-IEC nodes). The assigned links may be characterized as managed carrier links (See Figures 8b, 8c and 8e; col. 4, lines 33-48; col. 13, line 55 through col. 14, line 9; and col. 14, lines 18-29). Note that, as described in the instant specification on page 5, lines 11-25, it is the non-IEC, or non-managed portion that is considered the “unknown” portion, since it is outside of the control of the IEC, as noted by Lauer on column 14, lines 25-27 at least. Therefore Lauer’s identifying the non-managed or non-IEC portion, identifies the claimed “unknown” portion.

Regarding claim 11, Lauer discloses all of the limitations of claim 9, and also discloses that the non-managed portions of the network comprise adjunct access facilities (LATA facilities) (See col. 14, lines 18-29).

Regarding claim 12, Lauer discloses an apparatus (SNMS servers 302/304/306/308) for designing a continuous circuit inherently comprising a processor and an associated storage device including instructions for controlling the processor (See col 4, lines 33-48). The instructions cause the processor to determine whether a non-managed portion (non-IEC node) of a circuit exists, and to provide a link (a linkset) between non-managed portions of the circuit and proximate managed portions (IEC nodes) of the circuit. The link may be characterized as a managed carrier link by a network management system (SNMS 300) (See Figures 8b, 8c and 8e; col. 13, line 55 through col. 14, line 9; and col 14, lines 18-29. Note that, as described in the instant specification on page 5, lines 11-25, it is the non-IEC, or non-managed portion that is considered the "unknown" portion, since it is outside of the control of the IEC, as noted by Lauer on column 14, lines 25-27 at least. Therefore Lauer's identifying the non-managed or non-IEC portion, identifies the claimed "unknown" portion.

***Claim Rejections - 35 USC § 103***

2. Claims 2-4, 6-8, 10 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lauer et al. in view of Dodd (Annabel Z. Dodd, 'The Essential Guide to Telecommunications,' 1998, pp. 144-145.).

3. Regarding claims 2, 6, 10 and 13, Lauer discloses all of the limitations of claims 1, 5, 9 and 12, but does not disclose that each manageable link is coupled to at least one of a Digital Cross Connect, a Light Wave Guided Cross Connect, and a Distribution

Drop Point. However, Dodd teaches that it is well known in the art to use a Digital Cross Connect in a communications network to couple multiple end users to a single T-1 circuit, thereby allowing efficient use of circuit resources (Annabel Z. Dodd, 'The Essential Guide to Telecommunications,' 1998, pp. 144-145.). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lauer as taught by Dodd, such that each manageable link is coupled to a Digital Cross Connect, in order to efficiently use circuit resources.

4. Regarding claims 3, 7 and 14, Lauer in view of Dodd teaches all of the limitations of claims 2, 6 and 13, and Lauer also discloses that each manageable link comprises a fiber optic cable (See col 2, lines 55-57).

5. Regarding claims 4, 8 and 15, Lauer in view of Dodd teaches all of the limitations of claims 2, 6 and 13, and Lauer also discloses that the links comprise a digital carrier (See col. 8, lines 45-61).

### ***Response to Arguments***

6. Applicant's arguments filed January 6, 2006 have been fully considered but they are not persuasive.

Regarding claims 1,5,9 and 12 applicant argues, "Lauer fails to teach the limitation of wherein the non-managed portion of the circuit comprises a portion unknown to the network management system".

Looking to applicant's instant specification for support for this claimed limitation, it can be found on page 5, lines 11-24, where it is stated " ...however the adjunct access

area portion 101 is considered non-managed by the inter-exchange carriers (IEC) network management system since the IEC network management system has no knowledge of the equipment used by the LEC to connect the first portion A to the second portion B of the circuit.” And on page 6, lines 7-10, “ Since the first IEC does not know the type of equipment used, or at least does not have management information regarding the equipment used, the leased facility portion is considered non-managed by the IEC’s network management system. Therefore it can be seen that the claimed “unknown” portion is merely the non-IEC portion under LEC control

Applicant also argues that “Lauer teaches a network in which the entire network topology is known, and therefore, all portions of associated circuits are known and therefore managed. It is not understood how this argument could be considered to distinguish the claims, since it is the clear intention of the instant invention to provide a level of management. Note that claim 1 is “ A method for *managing*... which ultimately provides a (non-IEC, therefore non-managed and unknown) link that is “characterized as a *managed* entity by a management system.” This is precisely what Lauer’s arrangement performs, as noted by Lauer on column 13, lines 66 – column 14, line 1 “ All IEC and non-IEC nodes connected to the IEC STP’s in the cluster are displayed along with the associated linksets.” And on column 14, lines 23-28. “This display allows the operator to closely monitor a specific LATA if/when problems surface within the LATA. LATA problems, while outside the IEC’s domain of control, can introduce problems within the IEC network since signaling messages are shared between the networks. “ Therefore since clearly Lauer is also providing a “characterization as a

Art Unit: 2684

managed entity by a management system”, as is required in fact by the instant claims, this argument is not persuasive.

As to the arguments regarding claims 2-4, 6-8, 10 and 13-15, note that they are based on the argument regarding Lauer that has been addressed above.

### ***Conclusion***

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.



Art Unit: 2684

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J Sobutka whose telephone number is 571-272-7887. The examiner can normally be reached on Monday - Friday, 8:30am - 5:00pm.
10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on 571-272-4177.
11. The current fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

On July 15, 2005, the Central FAX Number will change to **571-273-8300**. This new Central FAX Number is the result of relocating the Central FAX server to the Office's Alexandria, Virginia campus.

Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number. To give customers time to adjust to the new Central FAX Number, faxes sent to the old number (703-872-9306) will be routed to the new number until September 15, 2005. After September 15, 2005, the old number will no longer be in service and **571-273-8300** will be the only facsimile number recognized for "centralized delivery".

**CENTRALIZED DELIVERY POLICY:** For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies. For example, if the examiner has rejected claims in a regular U.S. patent application, and the reply to the examiner's Office action is desired to be transmitted by facsimile rather than mailed, the reply must be sent to the Central FAX Number.

Art Unit: 2684

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Philip Sobutka

(571) 272-7887

A handwritten signature in black ink, appearing to read 'Matthew D. Anderson', with a long horizontal line extending to the right.

Matthew D. Anderson  
Supervisory Patent Examiner